

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FREQUENCY, LLC, f/k/a GOODRADIO.TV, LLC.

Plaintiff,

-against-

CLEAR CHANNEL BROADCASTING, INC.,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/5/08

07-Civ-07785 (PKC)
ECF Case

**STIPULATION AND ORDER EXTENDING SCHEDULING ORDER
DEADLINES AND ADJOURNING CASE MANAGEMENT CONFERENCE**

WHEREAS, the parties have been proceeding with discovery pursuant to the Civil Case Management Plan and Scheduling Order, dated November 16, 2007 (the "Scheduling Order");

WHEREAS, the parties have exchanged requests for documents and interrogatories and responses to such discovery requests;

WHEREAS, Plaintiff has conducted three depositions, and Defendant has conducted two depositions. However, there are numerous depositions yet to be conducted;

WHEREAS, pursuant to the Court's recommendation in paragraph 10(c) of the Scheduling Order, the parties retained a mediator before the close of fact discovery. The parties met with the mediator on May 21, 2008 in New York but were unable to resolve their dispute in this case and the related-action Clear Channel Broadcasting, Inc., et al. v. Frequency, LLC, et al., Cause No. CI-12493, pending in the District Court of Bexar County, Texas;

WHEREAS, the parties have determined that they must continue with discovery and that, due to the sheer number of witnesses, as well as the need to schedule depositions around summer vacations and the witnesses' busy business schedules, they cannot complete all the needed depositions by August 15, 2008;

WHEREAS, the parties have agreed to extend fact and expert discovery deadlines in the scheduling order; and

WHEREAS, this is the parties' fifth request for an extension of time in this matter.

IT IS HEREBY STIPULATED AND AGREED by and among the parties through their undersigned counsel that:

1. The last day of fact discovery shall be extended from August 15, 2008 to September 19, 2008;
2. The last day to conduct depositions shall be extended from August 15, 2008 to September 19, 2008;
3. The last day to complete expert discovery shall be extended from October 27, 2008 to December 5, 2008; and
4. The date of the next Case Management Conference shall be adjourned from September 5, 2008, at 11:00 a.m. to October 7, 2008, at 9:30 a m.

August 5, 2008

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Attorneys for Defendant

SO ORDERED this 5th
day of August, 2008.

P. Kevin Castel
The Honorable P. Kevin Castel
United States District Court Judge